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OP-ED COLUMNIST

Our Friends, the Torturers

By **BOB HERBERT**

The United States has long purported to be outraged over Syria's bad behavior, the latest flash point being the possible Syrian involvement in the assassination of the former Lebanese prime minister, Rafik Hariri.

From the U.S. perspective, Syria is led by a gangster regime that has, among other things, sponsored terrorism, aided the insurgency in Iraq and engaged in torture. So here's the question. If Syria is such a bad actor - and it is - why would the Bush administration seize a Canadian citizen at Kennedy Airport in New York, put him on an executive jet, fly him in shackles to the Middle East and then hand him over to the Syrians, who promptly tortured him?

The administration is trying to have it both ways in its so-called war on terror. It claims to be fighting for freedom, democracy and the rule of law, and it condemns barbaric behavior whenever it is committed by someone else. At the same time, it is engaged in its own barbaric behavior, while going out of its way to keep that behavior concealed from the American public and the world at large.

The man grabbed at Kennedy Airport and thrown by American officials into a Syrian nightmare was Maher Arar, a 34-year-old native of Syria who emigrated to Canada as a teenager. No one, not even the Syrians who tortured him, have been able to present any evidence linking him to terrorism.

He was taken into custody on the afternoon of Sept. 26, 2002, and was not released until Oct. 5, 2003. He was never charged, and when he wasn't being brutalized, he spent much of his time in an unlit, rat-infested cell that reminded him of a grave.

Government officials know that this kind of activity is not just wrong but reprehensible, which is why they won't admit publicly to the policy that permits them to kidnap individuals like Mr. Arar and send them off to regimes known to engage in torture. The policy is known as extraordinary rendition, which is an extreme variation of a little-known but longstanding legal principle called rendition. Rendition most commonly refers to the extrajudicial transfer of individuals from a foreign country to the United States for the purpose of answering criminal charges.

Think, for example, of a drug kingpin who is abducted in Colombia and brought to the U.S. to stand trial for trafficking. The defendant is said to have been "rendered" to justice in the U.S.

The courts here have tended to overlook the circumstances surrounding the seizure of such suspects. But upon arrival in the U.S., the normal rules of due process in criminal proceedings kick in, and the suspect is entitled to a fair trial.

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In extraordinary rendition there are no rules. The person seized, presumably a terror suspect, is thrust into a highly secret zone of utter lawlessness, with no rights whatever. The entire point of this atrocious exercise is to transfer the suspect to a regime skilled in the art of torture. It's as if a cop picked up a suspect on the street and handed him over to the Mafia to extract a confession. One's guilt or innocence is not relevant. No legal defense is permitted. If a mistake is made, too bad.

U.S. officials knew what they were doing when they gave the signal to ship Mr. Arar to Syria. As far back as 1996, the State Department had this to say in a report about human rights in Syria:

"Former prisoners and detainees have reported that torture methods include electrical shocks; pulling out fingernails; the forced insertion of objects into the rectum; beatings, sometimes while the victim is suspended from the ceiling; hyperextension of the spine; and the use of a chair that bends backwards to asphyxiate the victim or fracture the spine."

According to the State Department, torture was most likely to occur at one of the many detention centers run by the Syrian security forces, "particularly while the authorities are trying to extract a confession or information about an alleged crime or alleged accomplices."

Extraordinary rendition is antithetical to everything Americans are supposed to believe in. It violates American law. It violates international law. And it is a profound violation of our own most fundamental moral imperative - that there are limits to the way we treat other human beings, even in a time of war and great fear.

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